

**BILL NO. 01-16
AS AMENDED**

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

BILL NO. 01- 16 (As Amended)

Introduced by Council President Hirsch

Legislative Day No. 01-20

Date May 29, 2001

AN ACT to repeal and reenact, with amendments, Article XXXVIII, Phillips Airfield Authority, of Part 5, Quasi-Governmental Agencies, of Chapter 9, Boards, Councils, Agencies, of the County Council Bill, 00-61, as amended, as enacted by the Council on January 23, 2001; to create the Phillips Airfield Authority; to establish the method for appointment of members to the Authority; to establish the qualifications and terms of the Authority members; to establish meeting requirements; to establish budget and hearing procedures for the Authority; to establish the Authority's powers and duties; to provide that the Authority members are subject to financial disclosure requirements under the County Law; to provide for a sunset provision for the Authority; to create an advisory board to review certain studies related to the joint use of Phillips Army Airfield; to require the board to conduct public hearings and prepare reports; to restrict the use of certain funds obtained for studies related to the joint use of Phillips Army

May 29, 2001

By the Council, [Signature]

Introduced, read first time, ordered posted and public hearing scheduled

on: June 26, 2001

at: 6:30 P.M.

By Order: James E. Massey, Jr., Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 26, 2001 and concluded on June 26, 2001.

James E. Massey, Jr., Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Introduced by Council President Hirsch
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Airfield; to require the County Council to introduce and vote on a resolution related to a certain draft joint use agreement and report; to provide that upon the adoption of a certain resolution by the Council that Section 1 of this Act creating the Phillips Airfield Authority and all its duties and powers shall be effective 60 calendar days after said adoption; to provide that if a certain resolution is not adopted by the Council that Section 1 of this Act creating the Phillips Airfield Authority and all its duties and powers shall be null and void without the necessity of further action by the Council; and generally relating to the Phillips Airfield Authority.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____ and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 WHEREAS, in accordance with the provisions of Chapter 535 of the Laws of Maryland of
2 1996 (House Bill 1294), the Maryland General Assembly enacted Article 13 of the Public Local
3 Laws of Maryland, creating a new Part 5 of Chapter 9 of the Harford County Code ("Code")
4 ("Quasi-Governmental Agencies"), authorizing Harford County to establish by local law a revenue
5 authority to provide for, among other purposes, economic development in Harford County; and

6 WHEREAS, the powers, rights, obligations and duties as established in HB 1294, including
7 the selection of members, meetings, incurrence of debt and all other matters, shall be utilized through
8 the creation of the Phillips Airfield Authority to be governed and determined by Chapter 9, Board,
9 Councils and Agencies, of Part 5, Quasi-Governmental Agencies, Article XXXVII, Harford County
10 Revenue Authority, of the Harford County Code.

11 NOW, THEREFORE, in accordance with the provisions of Chapter 535 of the Laws of
12 Maryland of 1996 (House Bill 1294), the Charter of Harford County, Maryland, the Code and the
13 laws of the State of Maryland:

14 Section 1. Be It Enacted by the County Council of Harford County, Maryland, that Article
15 XXXVIII, Phillips Airfield Authority, be, and it is hereby repealed and reenacted, with amendments,
16 of Part 5, Quasi-Governmental Agencies, of Chapter 9, Boards, Councils, Agencies, of County
17 Council Bill No. 00-61, as amended, as enacted by the Council on January 23, 2001, to read as
18 follows:

19 [Chapter 9. Boards, Councils, Agencies.

20 Part 5. Quasi-Governmental Agencies.

21 Article XXXVIII. Phillips Airfield Authority.

22 § 9-203. Creation.

23 Pursuant to The Authority of Chapter 535 of the Laws of Maryland of 1996, there is hereby

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created a body corporate and politic to be known as the Phillips Airfield Authority, hereinafter referred to as "The Authority," which shall be deemed a public corporation.

§ 9-204. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Authority -- means the Phillips Airfield Authority created by this Act.

Bonds -- means and includes the revenue bonds, mortgages, certificates or other evidence of indebtedness or obligations, including leases which The Authority is authorized to issue pursuant to this article. Bonds shall:

(1) Not be deemed to constitute a debt of the county or a pledge of the faith and credit of the county or of the state of Maryland or any political subdivision of the state of Maryland;

(2) Be revenue bonds payable from the funds of The Authority provided from revenues of the project or projects of The Authority;

(3) Contain a statement on their face to the effect that the full faith and credit of the County, State or any political subdivision of the state of Maryland is not pledged to pay such bonds or the interest thereon; and

(4) Not directly, indirectly or contingently obligate the county to levy or pledge any form of taxation or any appropriation for their payment.

City of Aberdeen -- means the City of Aberdeen, a body politic and corporate and a political subdivision of the state of Maryland, acting by and through its mayor.

City of Havre de Grace -- means the City of Havre de Grace, a body politic and corporate and a political subdivision of the state of Maryland, acting by and through its mayor.

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1 Construction -- means and includes acquisition and construction and renovation, and the term
2 "to construct" means and includes to acquire and to construct, all in such manner as may be deemed
3 desirable.

4 Cost of project or cost of facility -- means and includes the cost of all land, property, rights,
5 easements and franchises deemed necessary for the acquisition, construction and establishment of
6 any project or facility, the cost of all labor, materials, machinery and equipment, financing charges,
7 interest prior to and during construction, and for 1 year after completion of construction, the cost of
8 engineering, architectural, accounting, financial and legal services, plans, specifications, surveys,
9 estimates of costs and of revenues, other expenses necessary or incidental to determining the
10 feasibility or practicability of such acquisition, construction, administrative expenses and such other
11 expenses that may be necessary or incidental to the financing herein authorized and the acquisition,
12 construction and establishment of such project or facilities, including the purchase, remodeling,
13 rehabilitation, renovation or reconstruction of any existing facilities acquired by The Authority as
14 projects and placing the same in operation.

15 County -- means the body politic and corporate of the state of Maryland known as Harford
16 County, Maryland.

17 County Council -- means the County Council of Harford County, Maryland.

18 Equipment -- means and includes any equipment and furnishings whatsoever as may be
19 deemed desirable and required in connection with a project or by the lessee of a project, for the use
20 and occupancy of such project, including the installation of such equipment and furnishings.

21 Project -- means and includes the planning, designing, constructing, reconstructing,
22 improving, repaving, renovating, rehabilitating, equipping, furnishing, maintaining, acquiring,
23 disposing of, demolishing and operating structures, facilities, undertakings or any combination

1 thereof related to any airport located on the federally owned property located in Harford County and
2 known as Aberdeen Proving Ground as the property boundaries exist for the Proving Ground on
3 January 16, 2001.

4 Refunding Bond – means a bond the proceeds of which are applied to repay or redeem any
5 outstanding bond.

6 Revenue Bond – means a bond that is payable only from an identified source of revenue
7 and does not constitute a pledge of the full faith and credit of the issuer thereof.

8 State -- means the State of Maryland.

9 § 9-205. Membership; Appointment, Composition and Terms; Vacancies.

10 A. The Authority shall consist of 11 members, each of whom shall be a resident of the
11 County at the time of appointment. Each member shall be a resident of the state of Maryland.

12 B. The original appointments shall be made in such a manner that the term of 2 members
13 shall expire on July 1, 2001, the term of 3 members shall expire on July 1, 2002, the term of 3
14 members shall expire on July 1, 2003, and the term of the 3 remaining members shall expire on
15 July 1, 2004. The original members or their successors shall be appointed for terms of 4 years from
16 the date of expiration of their respective terms of office, except that any person appointed to fill a
17 vacancy shall serve only for the unexpired term, and any member of The Authority shall be eligible
18 for reappointment. A member of The Authority whose term has expired shall continue to serve until
19 a successor is duly appointed in accordance with the provisions hereof. A member may be
20 reappointed but no person shall be eligible for succession as a member after serving on The
21 Authority for 2 consecutive 4-year terms.

22 C. The County Executive shall prepare a written list of proposed nominees for
23 appointment to the positions as members of The Authority. The written list shall contain at least 3

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1 proposed nominees for each vacancy. In preparing the list of original appointments, the County
2 Executive shall include 3 proposed nominees as may be proposed by the City of Aberdeen for
3 appointment to each of 3 of such positions, and shall include 3 proposed nominees as may be
4 proposed by the City of Havre de Grace for appointment to 1 of such positions. The County
5 Executive shall include 3 proposed nominees as may be proposed by the Forest Greens-Perryman
6 Community Association for appointment to 1 of such positions. In preparing any list of
7 appointments subsequent to the original appointments, the County Executive shall include 3
8 proposed nominees as may be proposed by the City of Aberdeen for appointment to each position the
9 incumbent in which was proposed by the City of Aberdeen, and shall include 3 proposed nominees
10 as may be proposed by the City of Havre de Grace for appointment to each position the incumbent in
11 which was proposed by the City of Havre de Grace. In preparing any list of appointments
12 subsequent to the original appointments, the county executive shall include 3 proposed nominees as
13 may be proposed by the Forest Greens-Perryman Community Association for appointment to each
14 position the incumbent in which was proposed by the Forest Greens-Perryman Community
15 Association. The County Executive shall submit such list to the Harford County Delegation of the
16 General Assembly of the State. The written list shall be presented to the delegation at least 60 days
17 prior to the occurrence of a vacancy.

18 (1) Within 14 days (excluding Saturdays, Sundays and State holidays) following
19 the date of receipt of the written list, the delegation shall, by majority vote, indicate its approval of
20 proposed nominees on the written list or delete from the written list proposed nominees that the
21 delegation does not approve. In the event the delegation fails to either approve or disapprove
22 proposed nominees on the written list, within the time limits as above prescribed, the proposed
23 nominees on the written list shall be deemed approved by the delegation by operation of law.

1 (2) The County Executive may replace the name of any proposed nominee whose
2 name is disapproved by the delegation and resubmit the written list to the delegation for
3 consideration as hereinabove provided; provided, that the County Executive shall replace the name
4 of any proposed nominee submitted by the City of Aberdeen only with a replacement submitted by
5 the City of Aberdeen, shall replace the name of any proposed nominee submitted by the City of
6 Havre de Grace only with a replacement submitted by the City of Havre de Grace, and shall replace
7 the name of any proposed nominee submitted by the Forest Greens-Perryman Association only with
8 a replacement submitted by the Forest Greens-Perryman Association. In the event that the delegation
9 has disapproved all proposed nominees from the City of Aberdeen, the County Executive shall
10 resubmit a written list with the names of replacement nominees provided by the City of Aberdeen.
11 In the event that the delegation has disapproved all proposed nominees from the City of Havre de
12 Grace, the county executive shall resubmit a written list with the names of replacement nominees
13 provided by the City of Havre de Grace.

14 (3) After completion of the delegation's review of the written list as hereinabove
15 provided, the County Executive shall, from the written list of proposed nominees whose names are
16 approved or are deemed to be approved by the delegation as hereinabove provided, select the name
17 of 1 proposed nominee for each vacancy and submit the name of such proposed nominee to the
18 County Council for approval by the County Council; provided, that: (a) in selecting the names for
19 the original appointments, the County Executive shall select 4 names submitted by the City of
20 Aberdeen, 1 name submitted by the City of Havre de Grace, and 1 name submitted by the Forest
21 Greens-Perryman Association; and (b) in selecting the names for subsequent appointments, the
22 County Executive shall select a name submitted by the City of Aberdeen for appointment to each
23 position the incumbent in which was proposed by the City of Aberdeen, shall select a name

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submitted by the City of Havre de Grace for appointment to each position the incumbent in which was proposed by the city of Havre de Grace, and shall select a name submitted by the Forest Greens-Perryman Association for appointment to each position the incumbent in which was proposed by the Forest Greens-Perryman Association.

D. The Director of Economic Development and the Director of Public Works or their designees shall serve as non-voting advisors to The Authority.

E. A member of The Authority may be removed by the County Executive for cause, including absence from 2 or more consecutive meetings during any 12-month period.

F. Neither the member nor the member's grandfather, grandmother, father, mother, son, daughter, stepson, stepdaughter, grandson, granddaughter, brother, sister, uncle, aunt, niece or nephew, or the spouse of any of them, may have a financial interest in any project with respect to which The Authority has jurisdiction or any power or authorization to act.

G. A member shall not be a County elected official, county appointed official or County employee.

H. A member shall not be an elected official, appointed official or employee of any municipality located in Harford County.

§ 9-206. OFFICERS; QUORUM; DELEGATION OF POWERS.

The County Executive shall appoint 1 member so appointed as chairperson of The Authority and shall name, from time to time, all successor chairpersons of The Authority as vacancies in that office shall occur. Each chairperson shall serve a term of 1 year. A chairperson who was nominated as a member by the City of Aberdeen pursuant to the provisions of § 9-205 hereof shall be succeeded as chairperson by a person not so nominated by the City of Aberdeen, and a chairperson who was not nominated as a member by the City of Aberdeen pursuant to the provisions of § 9-205 hereof shall

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1 be succeeded as chairperson by a person so nominated by the City of Aberdeen. The members of
2 The Authority shall select a secretary and a treasurer. Eight members of The Authority shall
3 constitute a quorum. No vacancy in The Authority shall impair the right of a quorum to exercise all
4 of the rights or to perform all of the duties of The Authority. The members of The Authority shall
5 not be entitled to compensation for their services, but they shall be reimbursed for actual expenses
6 necessarily incurred in the performance of their duties provided, however, such reimbursement shall
7 be made solely from funds received by The Authority. The Authority may delegate to one or more
8 of its members or to its officers, agents and employees such powers and duties as it may deem
9 proper.

10 § 9-207. MEETINGS.

11 The Authority shall conduct not less than 6 regular meetings each fiscal year. The date, time
12 and location of each regular meeting shall be posted in a location in the offices of The Authority
13 which shall be visible to the public and shall also be published in a newspaper of general circulation
14 within the County. Such notices of regular meetings or special meetings shall be posted and/or
15 published not less than 7 days prior to the date of a regular meeting. In addition to regular meetings,
16 special meetings may be scheduled by The Authority on notice by the chairperson of The Authority
17 or upon notice signed by not less than 6 members of The Authority.

18 § 9-207.1. HEARINGS.

19 The Authority shall conduct at least one public hearing regarding any project proposed by
20 The Authority. A public hearing regarding a proposed project shall take place either in the
21 Aberdeen, Havre de Grace or Perryman community. The date, time and location of each public
22 hearing held by The Authority shall be posted in the offices of The Authority in a location which
23 shall be visible to the public. The Authority shall also provide notice of a public hearing by

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publishing a notice once a week for 2 consecutive weeks in at least 2 newspapers of general circulation within the County. The second publication shall not be less than 14 calendar days before the hearing.

§ 9-207.2. BUDGET PROCEDURE.

No later than three months prior to the beginning of each fiscal year, The Authority shall submit to the County Council the proposed budget for The Authority for that fiscal year. Upon receipt of The Authority's proposed budget, the County Council shall publish in 2 newspapers published in the County, a notice of the date, time and place of at least 2 public hearings on The Authority's budget to be conducted by the County Council. The Council may hold such other preliminary hearings on The Authority's budget for the purpose of obtaining information as it may determine.

§ 9-208. POWERS.

A. The Authority is created for the purpose of owning, leasing, planning, designing, constructing, reconstructing, improving, repaving, renovating, rehabilitating, equipping, furnishing, maintaining, acquiring, disposing of, demolishing and operating any airport located on the federally owned property located in Harford County and known as Aberdeen Proving Ground as the property boundaries exist for the Proving Ground on January 16, 2001.

B. The Authority is hereby granted and may exercise all powers necessary or convenient for the carrying out of its purposes, including the following rights and powers:

- (1) To have perpetual existence as a corporation;
- (2) To sue and be sued, implead and be impleaded, complain and defend in all courts;
- (3) To adopt, use and alter at will a corporate seal;

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1 (4) To acquire, purchase, hold and use any property, real, personal or mixed,
2 tangible or intangible or any interest necessary or desirable for carrying out the purposes of The
3 Authority, and to lease as lessee any property, real, personal or mixed, or any interest therein, for a
4 term not exceeding 99 years at a nominal rental or such annual rental as may be determined; to lease
5 as lessor to the State or the County or to any political subdivision thereof, or to any person and
6 project at any time constructed by The Authority, whether wholly or partially completed, and any
7 property, real, personal or mixed, tangible or intangible or any interest therein, at any time acquired
8 by The Authority, whether wholly or partially completed; and to sell, transfer and convey to the
9 County any project at any time constructed by The Authority, and any property, real, personal or
10 mixed, tangible or intangible or any interest therein, at any time acquired by The Authority;

11 (5) To acquire by purchase, lease or otherwise and to construct, improve, equip,
12 furnish, maintain, repair and operate projects;

13 (6) To appoint officers and prescribe their duties and to hire attorneys,
14 accountants, agents, employees and servants and to prescribe their duties and fix their compensation;

15 (7) To make bylaws for the management and regulation of its affairs;

16 (8) To fix, charge and collect tolls, rates, rentals and other charges for the use of
17 the facilities of, or for the services rendered by, The Authority or projects thereof, at reasonable rates,
18 to be determined by it, for the purpose of providing for the payment of the expenses of The
19 Authority, the construction, improvement, repair, equipping, furnishing, maintenance and operation
20 of its facilities and projects, the payment of the principal of and interest on its bonds and obligations,
21 and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any
22 such bonds and obligations;

23 (9) To borrow money and issue negotiable revenue bonds, certificates or other

1 evidences of indebtedness or obligations and to secure the payment of such bonds, or any part
2 thereof, by pledge or indenture of trust of all or any part of its revenues, rentals and receipts, all as
3 may be provided in the resolution authorizing the issuance of such bonds, which resolution shall be
4 taken as part of the contract with the holders of such bonds, and to make such agreements with the
5 purchasers or holders of such bonds or with others in connection with any such bonds whether issued
6 or to be issued, as The Authority shall deem advisable, and in general to provide for the security for
7 the bonds and the rights of the holders thereof;

8 (10) To make contracts of every name and nature, and to execute all instruments
9 necessary or convenient for the carrying on of its business;

10 (11) To borrow money and accept grants from, and to enter into contracts, leases,
11 memoranda of understandings or other transactions with, the United States Government, any agency
12 of the United States Government, the County, the State, any agency of the State or any other political
13 subdivision of the State;

14 (12) To pledge, mortgage, encumber, sell, lease, transfer or convey any interest in
15 its real and personal property to the County or to any person.

16 § 9-209. TRANSACTIONS WITH COUNTY.

17 A. The County may, upon written request of the County Executive and resolution passed
18 by the County Council, advance to The Authority from the general funds of the County, upon
19 compliance by the County with Article V of the Charter of the County, money to be used by The
20 Authority to defray expenses for investigation, engineering and architectural studies, opinions and
21 compensation of its employees and counsel which may be incurred prior to the sale of its bonds.
22 Any such advance to The Authority by the County shall be deemed to be a liability of The Authority
23 to the County and shall be repaid to the County either in the normal course of business or out of the

first proceeds of sale of revenue bonds by The Authority, whichever event shall first occur.

B. Nothing in this section shall be construed to prohibit the County from leasing any facility or portion thereof from The Authority, including any facility financed in whole or in part from the proceeds of the sale of bonds of The Authority.

§ 9-210. INDEBTEDNESS, PROCEEDS AND INVESTMENTS.

A. The Authority may issue revenue bonds, notes or other evidences of indebtedness on behalf of the County for the public purposes of the County. Bonds issued by The Authority for other purposes may not mature more than 20 years after the date of issue.

B. Indebtedness.

(1) Revenue bonds, certificates or other evidences of indebtedness issued under the provisions of this section shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County or of the State of Maryland or any political subdivision of the State of Maryland.

(2) The revenue bonds, certificates or other evidences of indebtedness shall be payable from the funds of The Authority provided from revenues of the project or projects of The Authority.

(3) Revenue bonds shall contain a statement on their face to the effect that the full faith and credit of the County, State or any political subdivision of the State of Maryland is not pledged to pay such bonds or the interest thereon.

(4) Except as otherwise provided in paragraph (5) of this subsection, the issuance of the revenue bonds, certificates or other evidences of indebtedness under the provisions of this section may not directly, indirectly or contingently obligate the County to levy or pledge any form of taxation or any appropriation for their payment.

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(5) An advance of money from the general fund of the County shall be repaid from the receipts, rentals or revenues of The Authority in the next succeeding year in which such receipts, rentals or revenues exceed debt service requirements and operating expenses.

(6) An advance of money from the general fund of the County under any agreement or agreements may not exceed a maximum amount of \$100,000 in any one fiscal year.

(7) The Authority may not issue any bonds if such issuance would require any allocation of the Maryland State ceiling to the County in excess of the initial allocation to the County for any period pursuant to § 13-802 of the financial institutions article of the Annotated Code of Maryland.

C. Legal Investments.

(1) As provided in Chapter 535 of the Laws of Maryland of 1996, revenue bonds issued by The Authority as authorized by this section are hereby made securities in which all public officers and public agencies of the State and its political subdivisions, and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital, in their control or belonging to them.

(2) As provided in Chapter 535 of the Laws of Maryland of 1996, revenue bonds issued by The Authority are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

D. As provided in Chapter 535 of the Laws of Maryland of 1996, the bonds, notes and

1 other evidences of indebtedness issued by The Authority established by the County, their transfer,
2 the interest payable on them and any income derived from them including any profit realized in their
3 sale or exchange, shall be exempt at all times from taxation by the State, or by any of its counties,
4 municipal corporations or public agencies of any kind.

5 E. As provided in Chapter 535 of the Laws of Maryland of 1996, the bonds, notes and
6 other evidences of indebtedness issued by The Authority established by the County shall be exempt
7 from the provisions of Article 31, §§ 9, 10 and 11 of the Annotated Code of Maryland, or any
8 successor provision.

9 F. Revenue bonds, certificates or other evidences of indebttness issued pursuant hereto:
10 (a) may be sold in such manner, either at public or private (negotiated) sale, and upon such terms, at,
11 above, or below par, as The Authority deems best; (b) shall bear interest at such rate or rates as may
12 be prescribed by The Authority, or may be determined in accordance with procedures as may be
13 prescribed by The Authority; and (c) may be issued in such form and executed by such officer(s) as
14 may be prescribed by The Authority, including (without limitation) execution by facsimile. If any
15 officer whose signature or countersignature appears on any such revenue bonds, certificates or other
16 evidences of indebttness ceases to be such officer before delivery of such revenue bonds, certificates
17 or other evidences of indebttness, his signature or countersignature shall nevertheless be valid and
18 sufficient for all purposes the same as if he had remained in office until delivery.

19 G. The Authority may provide by resolution for the issuance of revenue refunding bonds
20 to refund any revenue bonds, certificates or other evidences of indebttness then outstanding and
21 issued pursuant hereto. The issuance of revenue refunding bonds, including the maturities and other
22 details, the rights of the holders, and the duties of The Authority, are controlled by the provisions
23 hereof to the extent applicable.

1 § 9-211. PAYMENTS IN LIEU OF TAXES.

2 The Authority and the State, County, and other incorporated cities or towns in the county
3 may enter into an agreement, for such duration as they may determine, for the payment of a stated
4 sum in lieu of taxes by The Authority to the State or a political subdivision of the State.

5 § 9-212. FINANCIAL DISCLOSURE.

6 Members of The Authority shall be subject to the financial disclosure provisions in §
7 23-12B(8) and § 23-14C of the Harford County Code, as amended from time to time.

8 § 9-213. CONSTITUTED AUTHORITY.

9 A. It is the intent of the County that The Authority is a “Constituted Authority” within
10 the mean of the internal revenue code of 1986, as amended, and the relevant regulations, rulings, and
11 procedures.

12 B. The powers of The Authority shall be construed to give effect to this intent.

13 § 9-214. AUTHORITY EARNINGS.

14 Earnings of The Authority may not enure to the benefit of private persons.

15 § 9-215. DISSOLUTION.

16 If The Authority is dissolved, the title to all property financed by the proceeds of any revenue
17 bonds, certificates or other evidences of indebtedness issued by The Authority reverts to the County.

18 § 9-216. PROVISIONS OF TITLE PROVIDES ALTERNATIVE METHODS.

19 The provisions of this title shall be deemed to provide an additional and alternative method
20 for the doing of the things authorized hereby and shall be regarded as supplemental and additional to
21 powers and conferred by other laws and shall not be regarded as in derogation of any powers now
22 existing, and such provisions shall be liberally construed to effect the purposes thereof.

23 § 9-217. SUNSET PROVISION.

1 This Article shall expire 5 years from the date of enactment of the legislation if a joint use
2 agreement with Aberdeen Proving Ground is not established.]

3 CHAPTER 9. BOARDS, COUNCILS, AGENCIES.

4 PART 5. QUASI-GOVERNMENTAL AGENCIES.

5 ARTICLE XXXVIII. PHILLIPS AIRFIELD AUTHORITY.

6 § 9-203. CREATION.

7 PURSUANT TO THE AUTHORITY OF CHAPTER 535 OF THE LAWS OF
8 MARYLAND OF 1996, THERE IS HEREBY CREATED A BODY CORPORATE AND POLITIC
9 TO BE KNOWN AS THE PHILLIPS AIRFIELD AUTHORITY, HEREINAFTER REFERRED TO
10 AS "THE AUTHORITY," WHICH SHALL BE DEEMED A PUBLIC CORPORATION.

11 § 9-204. DEFINITIONS.

12 THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS
13 ARTICLE, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

14 AUTHORITY – MEANS THE PHILLIPS AIRFIELD AUTHORITY CREATED BY THIS
15 ACT.

16 BONDS -- MEANS AND INCLUDES THE REVENUE BONDS, MORTGAGES,
17 CERTIFICATES OR OTHER EVIDENCE OF INDEBTEDNESS OR OBLIGATIONS,
18 INCLUDING LEASES WHICH THE AUTHORITY IS AUTHORIZED TO ISSUE PURSUANT
19 TO THIS ARTICLE. BONDS SHALL:

20 (1) NOT BE DEEMED TO CONSTITUTE A DEBT OF THE COUNTY OR A
21 PLEDGE OF THE FAITH AND CREDIT OF THE COUNTY OR OF THE STATE OF
22 MARYLAND OR ANY POLITICAL SUBDIVISION OF THE STATE OF MARYLAND;

23 (2) BE PAYABLE FROM THE FUNDS OF THE AUTHORITY PROVIDED

FROM REVENUES OF THE PROJECT OR PROJECTS OF THE AUTHORITY;

(3) CONTAIN A STATEMENT ON THEIR FACE TO THE EFFECT THAT THE FULL FAITH AND CREDIT OF THE COUNTY, STATE OR ANY POLITICAL SUBDIVISION OF THE STATE OF MARYLAND IS NOT PLEDGED TO PAY SUCH BONDS OR THE INTEREST THEREON; AND

(4) NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COUNTY TO LEVY OR PLEDGE ANY FORM OF TAXATION OR ANY APPROPRIATION FOR THEIR PAYMENT.

CITY OF ABERDEEN -- MEANS THE CITY OF ABERDEEN, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND, ACTING BY AND THROUGH ITS MAYOR.

CITY OF HAVRE DE GRACE -- MEANS THE CITY OF HAVRE DE GRACE, A BODY POLITIC AND CORPORATE AND A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND, ACTING BY AND THROUGH ITS MAYOR.

CONSTRUCTION -- MEANS AND INCLUDES ACQUISITION AND CONSTRUCTION AND RENOVATION, AND THE TERM "TO CONSTRUCT" MEANS AND INCLUDES TO ACQUIRE AND TO CONSTRUCT, ALL IN SUCH MANNER AS MAY BE DEEMED DESIRABLE.

COST OF PROJECT OR COST OF FACILITY -- MEANS AND INCLUDES THE COST OF ALL LAND, PROPERTY, RIGHTS, EASEMENTS AND FRANCHISES DEEMED NECESSARY FOR THE ACQUISITION, CONSTRUCTION AND ESTABLISHMENT OF ANY PROJECT OR FACILITY, THE COST OF ALL LABOR, MATERIALS, MACHINERY AND EQUIPMENT, FINANCING CHARGES, INTEREST PRIOR TO AND DURING

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1 CONSTRUCTION, AND FOR 1 YEAR AFTER COMPLETION OF CONSTRUCTION, THE
2 COST OF ENGINEERING, ARCHITECTURAL, ACCOUNTING, FINANCIAL AND LEGAL
3 SERVICES, PLANS, SPECIFICATIONS, SURVEYS, ESTIMATES OF COSTS AND OF
4 REVENUES, OTHER EXPENSES NECESSARY OR INCIDENTAL TO DETERMINING THE
5 FEASIBILITY OR PRACTICABILITY OF SUCH ACQUISITION, CONSTRUCTION,
6 ADMINISTRATIVE EXPENSES AND SUCH OTHER EXPENSES THAT MAY BE
7 NECESSARY OR INCIDENTAL TO THE FINANCING HEREIN AUTHORIZED AND THE
8 ACQUISITION, CONSTRUCTION AND ESTABLISHMENT OF SUCH PROJECT OR
9 FACILITIES, INCLUDING THE PURCHASE, REMODELING, REHABILITATION,
10 RENOVATION OR RECONSTRUCTION OF ANY EXISTING FACILITIES ACQUIRED BY
11 THE AUTHORITY AS PROJECTS AND PLACING THE SAME IN OPERATION.

12 COUNTY -- MEANS THE BODY POLITIC AND CORPORATE OF THE STATE OF
13 MARYLAND KNOWN AS HARFORD COUNTY, MARYLAND.

14 COUNTY COUNCIL -- MEANS THE COUNTY COUNCIL OF HARFORD COUNTY,
15 MARYLAND.

16 EQUIPMENT -- MEANS AND INCLUDES ANY EQUIPMENT AND FURNISHINGS
17 WHATSOEVER AS MAY BE DEEMED DESIRABLE AND REQUIRED IN CONNECTION
18 WITH A PROJECT OR BY THE LESSEE OF A PROJECT, FOR THE USE AND OCCUPANCY
19 OF SUCH PROJECT, INCLUDING THE INSTALLATION OF SUCH EQUIPMENT AND
20 FURNISHINGS.

21 PROJECT -- MEANS AND INCLUDES THE PLANNING, DESIGNING,
22 CONSTRUCTING, RECONSTRUCTING, IMPROVING, REPAVING, RENOVATING,
23 REHABILITATING, EQUIPPING, FURNISHING, MAINTAINING, ACQUIRING, DISPOSING

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1 OF, DEMOLISHING AND OPERATING STRUCTURES, FACILITIES, UNDERTAKINGS OR
2 ANY COMBINATION THEREOF RELATED TO ANY AIRPORT LOCATED ON THE
3 FEDERALLY OWNED PROPERTY LOCATED IN HARFORD COUNTY AND KNOWN AS
4 ABERDEEN PROVING GROUND AS THE PROPERTY BOUNDARIES EXIST FOR THE
5 PROVING GROUND ON JANUARY 16, 2001.

6 REFUNDING BOND -- MEANS A BOND THE PROCEEDS OF WHICH ARE APPLIED
7 TO REPAY OR REDEEM ANY OUTSTANDING BOND.

8 REVENUE BOND - MEANS A BOND THAT IS PAYABLE ONLY FROM AN
9 IDENTIFIED SOURCE OF REVENUE AND DOES NOT CONSTITUTE A PLEDGE OF THE
10 FULL FAITH AND CREDIT OF THE ISSUER THEREOF.

11 STATE -- MEANS THE STATE OF MARYLAND.

12 § 9-205. MEMBERSHIP; APPOINTMENT, COMPOSITION AND TERMS; VACANCIES.

13 A. THE AUTHORITY SHALL CONSIST OF 11 MEMBERS, EACH OF WHOM
14 SHALL BE A RESIDENT OF THE COUNTY AT THE TIME OF APPOINTMENT. EACH
15 MEMBER SHALL BE A RESIDENT OF THE STATE OF MARYLAND.

16 B. THE ORIGINAL APPOINTMENTS SHALL BE MADE IN SUCH A MANNER
17 THAT THE TERM OF 2 MEMBERS SHALL EXPIRE ON JULY 1, 2005, THE TERM OF 3
18 MEMBERS SHALL EXPIRE ON JULY 1, 2006, THE TERM OF 3 MEMBERS SHALL EXPIRE
19 ON JULY 1, 2007, AND THE TERM OF THE 3 REMAINING MEMBERS SHALL EXPIRE ON
20 JULY 1, 2008. THE ORIGINAL MEMBERS OR THEIR SUCCESSORS SHALL BE
21 APPOINTED FOR TERMS OF 4 YEARS FROM THE DATE OF EXPIRATION OF THEIR
22 RESPECTIVE TERMS OF OFFICE, EXCEPT THAT ANY PERSON APPOINTED TO FILL A
23 VACANCY SHALL SERVE ONLY FOR THE UNEXPIRED TERM, AND ANY MEMBER OF

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1 THE AUTHORITY SHALL BE ELIGIBLE FOR REAPPOINTMENT. A MEMBER OF THE
2 AUTHORITY WHOSE TERM HAS EXPIRED SHALL CONTINUE TO SERVE UNTIL A
3 SUCCESSOR IS DULY APPOINTED IN ACCORDANCE WITH THE PROVISIONS HEREOF.
4 A MEMBER MAY BE REAPPOINTED BUT NO PERSON SHALL BE ELIGIBLE FOR
5 SUCCESSION AS A MEMBER AFTER SERVING ON THE AUTHORITY FOR 2
6 CONSECUTIVE 4-YEAR TERMS.

7 C. THE COUNTY EXECUTIVE SHALL PREPARE A WRITTEN LIST OF
8 PROPOSED NOMINEES FOR APPOINTMENT TO THE POSITIONS AS MEMBERS OF THE
9 AUTHORITY. THE WRITTEN LIST SHALL CONTAIN AT LEAST 3 PROPOSED NOMINEES
10 FOR EACH VACANCY. IN PREPARING THE LIST OF ORIGINAL APPOINTMENTS, THE
11 COUNTY EXECUTIVE SHALL INCLUDE 3 PROPOSED NOMINEES AS MAY BE
12 PROPOSED BY THE CITY OF ABERDEEN FOR APPOINTMENT TO EACH OF 3 OF SUCH
13 POSITIONS, AND SHALL INCLUDE 3 PROPOSED NOMINEES AS MAY BE PROPOSED BY
14 THE CITY OF HAVRE DE GRACE FOR APPOINTMENT TO 1 OF SUCH POSITIONS. THE
15 COUNTY EXECUTIVE SHALL INCLUDE 3 PROPOSED NOMINEES AS MAY BE
16 PROPOSED BY THE FOREST GREENS-PERRYMAN COMMUNITY ASSOCIATION FOR
17 APPOINTMENT TO 1 OF SUCH POSITIONS. IN PREPARING ANY LIST OF
18 APPOINTMENTS SUBSEQUENT TO THE ORIGINAL APPOINTMENTS, THE COUNTY
19 EXECUTIVE SHALL INCLUDE 3 PROPOSED NOMINEES AS MAY BE PROPOSED BY THE
20 CITY OF ABERDEEN FOR APPOINTMENT TO EACH POSITION THE INCUMBENT IN
21 WHICH WAS PROPOSED BY THE CITY OF ABERDEEN, AND SHALL INCLUDE 3
22 PROPOSED NOMINEES AS MAY BE PROPOSED BY THE CITY OF HAVRE DE GRACE
23 FOR APPOINTMENT TO EACH POSITION THE INCUMBENT IN WHICH WAS PROPOSED

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1 BY THE CITY OF HAVRE DE GRACE. IN PREPARING ANY LIST OF APPOINTMENTS
2 SUBSEQUENT TO THE ORIGINAL APPOINTMENTS, THE COUNTY EXECUTIVE SHALL
3 INCLUDE 3 PROPOSED NOMINEES AS MAY BE PROPOSED BY THE FOREST GREENS-
4 PERRYMAN COMMUNITY ASSOCIATION FOR APPOINTMENT TO EACH POSITION THE
5 INCUMBENT IN WHICH WAS PROPOSED BY THE FOREST GREENS-PERRYMAN
6 COMMUNITY ASSOCIATION. THE COUNTY EXECUTIVE SHALL SUBMIT SUCH LIST TO
7 THE HARFORD COUNTY DELEGATION OF THE GENERAL ASSEMBLY OF THE STATE.
8 THE WRITTEN LIST SHALL BE PRESENTED TO THE DELEGATION AT LEAST 60 DAYS
9 PRIOR TO THE OCCURRENCE OF A VACANCY.

10 (1) WITHIN 14 DAYS (EXCLUDING SATURDAYS, SUNDAYS AND STATE
11 HOLIDAYS) FOLLOWING THE DATE OF RECEIPT OF THE WRITTEN LIST, THE
12 DELEGATION SHALL, BY MAJORITY VOTE, INDICATE ITS APPROVAL OF PROPOSED
13 NOMINEES ON THE WRITTEN LIST OR DELETE FROM THE WRITTEN LIST PROPOSED
14 NOMINEES THAT THE DELEGATION DOES NOT APPROVE. IN THE EVENT THE
15 DELEGATION FAILS TO EITHER APPROVE OR DISAPPROVE PROPOSED NOMINEES ON
16 THE WRITTEN LIST, WITHIN THE TIME LIMITS AS ABOVE PRESCRIBED, THE
17 PROPOSED NOMINEES ON THE WRITTEN LIST SHALL BE DEEMED APPROVED BY THE
18 DELEGATION BY OPERATION OF LAW.

19 (2) THE COUNTY EXECUTIVE MAY REPLACE THE NAME OF ANY
20 PROPOSED NOMINEE WHOSE NAME IS DISAPPROVED BY THE DELEGATION AND
21 RESUBMIT THE WRITTEN LIST TO THE DELEGATION FOR CONSIDERATION AS
22 HEREINABOVE PROVIDED; PROVIDED, THAT THE COUNTY EXECUTIVE SHALL
23 REPLACE THE NAME OF ANY PROPOSED NOMINEE SUBMITTED BY THE CITY OF

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1 ABERDEEN ONLY WITH A REPLACEMENT SUBMITTED BY THE CITY OF ABERDEEN,
2 SHALL REPLACE THE NAME OF ANY PROPOSED NOMINEE SUBMITTED BY THE CITY
3 OF HAVRE DE GRACE ONLY WITH A REPLACEMENT SUBMITTED BY THE CITY OF
4 HAVRE DE GRACE, AND SHALL REPLACE THE NAME OF ANY PROPOSED NOMINEE
5 SUBMITTED BY THE FOREST GREENS-PERRYMAN ASSOCIATION ONLY WITH A
6 REPLACEMENT SUBMITTED BY THE FOREST GREENS-PERRYMAN ASSOCIATION. IN
7 THE EVENT THAT THE DELEGATION HAS DISAPPROVED ALL PROPOSED NOMINEES
8 FROM THE CITY OF ABERDEEN, THE COUNTY EXECUTIVE SHALL RESUBMIT A
9 WRITTEN LIST WITH THE NAMES OF REPLACEMENT NOMINEES PROVIDED BY THE
10 CITY OF ABERDEEN. IN THE EVENT THAT THE DELEGATION HAS DISAPPROVED ALL
11 PROPOSED NOMINEES FROM THE CITY OF HAVRE DE GRACE, THE COUNTY
12 EXECUTIVE SHALL RESUBMIT A WRITTEN LIST WITH THE NAMES OF REPLACEMENT
13 NOMINEES PROVIDED BY THE CITY OF HAVRE DE GRACE. IN THE EVENT THAT THE
14 DELEGATION HAS DISAPPROVED ALL PROPOSED NOMINEES FROM FROEST GREENS-
15 PERRYMAN ASSOCIATION, THE COUNTY EXECUTIVE SHALL RESUBMIT A WRITTEN
16 LIST WITH THE NAMES OF REPLACEMENT NOMINEES PROVIDED BY THE FOREST-
17 GREENS PERRYMAN ASSOCIATION.

18 (3) AFTER COMPLETION OF THE DELEGATION'S REVIEW OF THE
19 WRITTEN LIST AS HEREINABOVE PROVIDED, THE COUNTY EXECUTIVE SHALL,
20 FROM THE WRITTEN LIST OF PROPOSED NOMINEES WHOSE NAMES ARE APPROVED
21 OR ARE DEEMED TO BE APPROVED BY THE DELEGATION AS HEREINABOVE
22 PROVIDED, SELECT THE NAME OF 1 PROPOSED NOMINEE FOR EACH VACANCY AND
23 SUBMIT THE NAME OF SUCH PROPOSED NOMINEE TO THE COUNTY COUNCIL FOR

1 APPROVAL BY THE COUNTY COUNCIL; PROVIDED, THAT: (A) IN SELECTING THE
2 NAMES FOR THE ORIGINAL APPOINTMENTS, THE COUNTY EXECUTIVE SHALL
3 SELECT 3 NAMES SUBMITTED BY THE CITY OF ABERDEEN, 1 NAME SUBMITTED BY
4 THE CITY OF HAVRE DE GRACE, AND 1 NAME SUBMITTED BY THE FOREST GREENS-
5 PERRYMAN ASSOCIATION; AND (B) IN SELECTING THE NAMES FOR SUBSEQUENT
6 APPOINTMENTS, THE COUNTY EXECUTIVE SHALL SELECT A NAME SUBMITTED BY
7 THE CITY OF ABERDEEN FOR APPOINTMENT TO EACH POSITION THE INCUMBENT IN
8 WHICH WAS PROPOSED BY THE CITY OF ABERDEEN, SHALL SELECT A NAME
9 SUBMITTED BY THE CITY OF HAVRE DE GRACE FOR APPOINTMENT TO EACH
10 POSITION THE INCUMBENT IN WHICH WAS PROPOSED BY THE CITY OF HAVRE DE
11 GRACE, AND SHALL SELECT A NAME SUBMITTED BY THE FOREST GREENS-
12 PERRYMAN ASSOCIATION FOR APPOINTMENT TO EACH POSITION THE INCUMBENT
13 IN WHICH WAS PROPOSED BY THE FOREST GREENS-PERRYMAN ASSOCIATION.

14 D. THE DIRECTOR OF ECONOMIC DEVELOPMENT AND THE DIRECTOR OF
15 PUBLIC WORKS OR THEIR DESIGNEES SHALL SERVE AS NON-VOTING ADVISORS TO
16 THE AUTHORITY.

17 E. A MEMBER OF THE AUTHORITY MAY BE REMOVED BY THE COUNTY
18 EXECUTIVE FOR CAUSE, INCLUDING ABSENCE FROM 2 OR MORE CONSECUTIVE
19 MEETINGS DURING ANY 12-MONTH PERIOD.

20 F. NEITHER THE MEMBER NOR THE MEMBER'S GRANDFATHER,
21 GRANDMOTHER, FATHER, MOTHER, SON, DAUGHTER, STEPSON, STEPDAUGHTER,
22 GRANDSON, GRANDDAUGHTER, BROTHER, SISTER, UNCLE, AUNT, NIECE OR
23 NEPHEW, OR THE SPOUSE OF ANY OF THEM, MAY HAVE A FINANCIAL INTEREST IN

1 ANY PROJECT WITH RESPECT TO WHICH THE AUTHORITY HAS JURISDICTION OR
2 ANY POWER OR AUTHORIZATION TO ACT.

3 G. A MEMBER SHALL NOT BE A COUNTY ELECTED OFFICIAL, COUNTY
4 APPOINTED OFFICIAL OR COUNTY EMPLOYEE.

5 H. A MEMBER SHALL NOT BE AN ELECTED OFFICIAL, APPOINTED
6 OFFICIAL OR EMPLOYEE OF ANY MUNICIPALITY LOCATED IN HARFORD COUNTY.

7 § 9-206. OFFICERS; QUORUM; DELEGATION OF POWERS.

8 THE COUNTY EXECUTIVE SHALL APPOINT 1 MEMBER SO APPOINTED AS
9 CHAIRPERSON OF THE AUTHORITY AND SHALL NAME, FROM TIME TO TIME, ALL
10 SUCCESSOR CHAIRPERSONS OF THE AUTHORITY AS VACANCIES IN THAT OFFICE
11 SHALL OCCUR. EACH CHAIRPERSON SHALL SERVE A TERM OF 1 YEAR. A
12 ~~CHAIRPERSON WHO WAS NOMINATED AS A MEMBER BY THE CITY OF ABERDEEN~~
13 ~~PURSUANT TO THE PROVISIONS OF § 9-205 HEREOF SHALL BE SUCCEDED AS~~
14 ~~CHAIRPERSON BY A PERSON NOT SO NOMINATED BY THE CITY OF ABERDEEN, AND~~
15 ~~A CHAIRPERSON WHO WAS NOT NOMINATED AS A MEMBER BY THE CITY OF~~
16 ~~ABERDEEN PURSUANT TO THE PROVISIONS OF § 9-205 HEREOF SHALL BE~~
17 ~~SUCCEDED AS CHAIRPERSON BY A PERSON SO NOMINATED BY THE CITY OF~~
18 ~~ABERDEEN. THE MEMBERS OF THE AUTHORITY SHALL SELECT A SECRETARY AND~~
19 ~~A TREASURER. EIGHT MEMBERS OF THE AUTHORITY SHALL CONSTITUTE A~~
20 ~~QUORUM. NO VACANCY IN THE AUTHORITY SHALL IMPAIR THE RIGHT OF A~~
21 ~~QUORUM TO EXERCISE ALL OF THE RIGHTS OR TO PERFORM ALL OF THE DUTIES OF~~
22 ~~THE AUTHORITY. THE MEMBERS OF THE AUTHORITY SHALL NOT BE ENTITLED TO~~
23 COMPENSATION FOR THEIR SERVICES, BUT THEY SHALL BE REIMBURSED FOR

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1 ACTUAL EXPENSES NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR
2 DUTIES PROVIDED, HOWEVER, SUCH REIMBURSEMENT SHALL BE MADE SOLELY
3 FROM FUNDS RECEIVED BY THE AUTHORITY. THE AUTHORITY MAY DELEGATE TO
4 ONE OR MORE OF ITS MEMBERS OR TO ITS OFFICERS, AGENTS AND EMPLOYEES
5 SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER.

6 § 9-207. MEETINGS.

7 THE AUTHORITY SHALL CONDUCT NOT LESS THAN 6 REGULAR MEETINGS
8 EACH FISCAL YEAR. THE DATE, TIME AND LOCATION OF EACH REGULAR MEETING
9 SHALL BE POSTED IN A LOCATION IN THE OFFICES OF THE AUTHORITY WHICH
10 SHALL BE VISIBLE TO THE PUBLIC AND SHALL ALSO BE PUBLISHED IN A
11 NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY. SUCH NOTICES OF
12 REGULAR MEETINGS OR SPECIAL MEETINGS SHALL BE POSTED AND/OR PUBLISHED
13 NOT LESS THAN 7 DAYS PRIOR TO THE DATE OF A REGULAR MEETING. IN ADDITION
14 TO REGULAR MEETINGS, SPECIAL MEETINGS MAY BE SCHEDULED BY THE
15 AUTHORITY ON NOTICE BY THE CHAIRPERSON OF THE AUTHORITY OR UPON
16 NOTICE SIGNED BY NOT LESS THAN 6 MEMBERS OF THE AUTHORITY.

17 § 9-207.1. HEARINGS.

18 THE AUTHORITY SHALL CONDUCT AT LEAST ONE PUBLIC HEARING
19 REGARDING ANY PROJECT PROPOSED BY THE AUTHORITY. A PUBLIC HEARING
20 REGARDING A PROPOSED PROJECT SHALL TAKE PLACE EITHER IN THE ABERDEEN,
21 HAVRE DE GRACE OR PERRYMAN COMMUNITY. THE DATE, TIME AND LOCATION OF
22 EACH PUBLIC HEARING HELD BY THE AUTHORITY SHALL BE POSTED IN THE
23 OFFICES OF THE AUTHORITY IN A LOCATION WHICH SHALL BE VISIBLE TO THE

PUBLIC. THE AUTHORITY SHALL ALSO PROVIDE NOTICE OF A PUBLIC HEARING BY PUBLISHING A NOTICE ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST 2 NEWSPAPERS OF GENERAL CIRCULATION WITHIN THE COUNTY. THE SECOND PUBLICATION SHALL NOT BE LESS THAN 14 CALENDAR DAYS BEFORE THE HEARING.

§ 9-207.2. BUDGET PROCEDURE.

A. THE OPERATING BUDGET FOR THE AIRPORT AUTHORITY SHALL CONTAIN THE FOLLOWING INFORMATION:

(1) A STATEMENT OF ALL REVENUE ESTIMATED TO BE RECEIVED BY THE AUTHORITY DURING THE ENSUING FISCAL YEAR, CLASSIFIED TO SHOW THE RECEIPTS BY FUNDS AND SOURCES OF INCOME;

(2) A STATEMENT OF DEBT SERVICE REQUIREMENTS FOR THE ENSUING FISCAL YEAR;

(3) A STATEMENT OF THE ESTIMATED CASH SURPLUS, IF ANY, AVAILABLE FOR EXPENDITURE DURING THE ENSUING FISCAL YEAR, AND ANY ESTIMATED DEFICIT IN ANY FUND REQUIRED TO BE MADE UP IN THE ENSUING FISCAL YEAR;

(4) A STATEMENT OF THE BONDED AND OTHER INDEBTEDNESS OF THE AUTHORITY;

(5) A COMPARATIVE STATEMENT OF THE RECEIPTS, AMOUNTS BUDGETED, AND ACTUAL EXPENDITURES FOR THE LAST COMPLETED FISCAL YEAR, THE ESTIMATED RECEIPTS AND EXPENDITURES OF THE CURRENTLY ENDING FISCAL YEAR, AND THE EXPENDITURES RECOMMENDED BY THE AUTHORITY FOR

1 THE ENSUING FISCAL YEAR; AND

2 (6) ANY OTHER MATERIAL WHICH THE AUTHORITY MAY DEEM
3 ADVISABLE.

4 B. THE PROPOSED CAPITAL BUDGET AND CAPITAL PROGRAM SHALL BE
5 ARRANGED TO SET FORTH CLEARLY THE PLAN OF PROPOSED CAPITAL PROJECTS
6 TO BE UNDERTAKEN IN THE ENSUING FISCAL YEAR AND IN EACH OF THE NEXT FIVE
7 FISCAL YEARS, AND ALSO THE PROPOSED MEANS OF FINANCING THE PROPOSED
8 CAPITAL PROJECTS. THE CAPITAL BUDGET SHALL INCLUDE A STATEMENT OF
9 RECEIPTS ANTICIPATED DURING THE ENSUING FISCAL YEAR FROM ALL
10 BORROWING AND FROM OTHER SOURCES FOR CAPITAL PROJECTS.

11 C. NO LATER THAN THREE MONTHS PRIOR TO THE BEGINNING OF EACH
12 FISCAL YEAR, THE AUTHORITY SHALL SUBMIT TO THE COUNTY COUNCIL THE
13 PROPOSED BUDGET FOR THE AUTHORITY FOR THAT FISCAL YEAR. UPON RECEIPT
14 OF THE AUTHORITY'S PROPOSED BUDGET, THE COUNTY COUNCIL SHALL PUBLISH
15 IN 2 NEWSPAPERS PUBLISHED IN THE COUNTY, A NOTICE OF THE DATE, TIME AND
16 PLACE OF AT LEAST 2 PUBLIC HEARINGS ON THE AUTHORITY'S BUDGET TO BE
17 CONDUCTED BY THE COUNTY COUNCIL. THE COUNCIL MAY HOLD SUCH OTHER
18 PRELIMINARY HEARINGS ON THE AUTHORITY'S BUDGET FOR THE PURPOSE OF
19 OBTAINING INFORMATION AS IT MAY DETERMINE.

20 § 9-208. POWERS.

21 A. THE AUTHORITY IS CREATED FOR THE PURPOSE OF OWNING, LEASING,
22 PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, IMPROVING,
23 REPAVING, RENOVATING, REHABILITATING, EQUIPPING, FURNISHING,

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1 MAINTAINING, ACQUIRING, DISPOSING OF, DEMOLISHING AND OPERATING ANY
2 AIRPORT LOCATED ON THE FEDERALLY OWNED PROPERTY LOCATED IN HARFORD
3 COUNTY AND KNOWN AS ABERDEEN PROVING GROUND AS THE PROPERTY
4 BOUNDARIES EXIST FOR THE PROVING GROUND ON JANUARY 16, 2001.

5 B. THE AUTHORITY IS HEREBY GRANTED AND MAY EXERCISE ALL
6 POWERS NECESSARY OR CONVENIENT FOR THE CARRYING OUT OF ITS PURPOSES,
7 INCLUDING THE FOLLOWING RIGHTS AND POWERS:

8 (1) TO HAVE PERPETUAL EXISTENCE AS A CORPORATION;

9 (2) TO SUE AND BE SUED, IMPLEAD AND BE IMPLEADED, COMPLAIN
10 AND DEFEND IN ALL COURTS;

11 (3) TO ADOPT, USE AND ALTER AT WILL A CORPORATE SEAL;

12 (4) TO ACQUIRE, PURCHASE, HOLD AND USE ANY PROPERTY, REAL,
13 PERSONAL OR MIXED, TANGIBLE OR INTANGIBLE OR ANY INTEREST NECESSARY OR
14 DESIRABLE FOR CARRYING OUT THE PURPOSES OF THE AUTHORITY, AND TO LEASE
15 AS LESSEE ANY PROPERTY, REAL, PERSONAL OR MIXED, OR ANY INTEREST
16 THEREIN, FOR A TERM NOT EXCEEDING 99 YEARS AT A NOMINAL RENTAL OR SUCH
17 ANNUAL RENTAL AS MAY BE DETERMINED; TO LEASE AS LESSOR TO THE STATE OR
18 THE COUNTY OR TO ANY POLITICAL SUBDIVISION THEREOF, OR TO ANY PERSON
19 AND PROJECT AT ANY TIME CONSTRUCTED BY THE AUTHORITY, WHETHER
20 WHOLLY OR PARTIALLY COMPLETED, AND ANY PROPERTY, REAL, PERSONAL OR
21 MIXED, TANGIBLE OR INTANGIBLE OR ANY INTEREST THEREIN, AT ANY TIME
22 ACQUIRED BY THE AUTHORITY, WHETHER WHOLLY OR PARTIALLY COMPLETED;
23 AND TO SELL, TRANSFER AND CONVEY TO THE COUNTY ANY PROJECT AT ANY

1 TIME CONSTRUCTED BY THE AUTHORITY, AND ANY PROPERTY, REAL, PERSONAL
2 OR MIXED, TANGIBLE OR INTANGIBLE OR ANY INTEREST THEREIN, AT ANY TIME
3 ACQUIRED BY THE AUTHORITY;

4 (5) TO ACQUIRE BY PURCHASE, LEASE OR OTHERWISE AND TO
5 CONSTRUCT, IMPROVE, EQUIP, FURNISH, MAINTAIN, REPAIR AND OPERATE
6 PROJECTS;

7 (6) TO APPOINT OFFICERS AND PRESCRIBE THEIR DUTIES AND TO
8 HIRE ATTORNEYS, ACCOUNTANTS, AGENTS, EMPLOYEES AND SERVANTS AND TO
9 PRESCRIBE THEIR DUTIES AND FIX THEIR COMPENSATION;

10 (7) TO MAKE BYLAWS FOR THE MANAGEMENT AND REGULATION OF
11 ITS AFFAIRS;

12 (8) TO FIX, CHARGE AND COLLECT TOLLS, RATES, RENTALS AND
13 OTHER CHARGES FOR THE USE OF THE FACILITIES OF, OR FOR THE SERVICES
14 RENDERED BY, THE AUTHORITY OR PROJECTS THEREOF, AT REASONABLE RATES,
15 TO BE DETERMINED BY IT, FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF
16 THE EXPENSES OF THE AUTHORITY, THE CONSTRUCTION, IMPROVEMENT, REPAIR,
17 EQUIPPING, FURNISHING, MAINTENANCE AND OPERATION OF ITS FACILITIES AND
18 PROJECTS, THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON ITS BONDS AND
19 OBLIGATIONS, AND TO FULFILL THE TERMS AND PROVISIONS OF ANY AGREEMENTS
20 MADE WITH THE PURCHASERS OR HOLDERS OF ANY SUCH BONDS AND
21 OBLIGATIONS;

22 (9) TO BORROW MONEY AND ISSUE NEGOTIABLE REVENUE BONDS,
23 CERTIFICATES OR OTHER EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS AND TO

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1 SECURE THE PAYMENT OF SUCH BONDS, OR ANY PART THEREOF, BY PLEDGE OR
2 INDENTURE OF TRUST OF ALL OR ANY PART OF ITS REVENUES, RENTALS AND
3 RECEIPTS, ALL AS MAY BE PROVIDED IN THE RESOLUTION AUTHORIZING THE
4 ISSUANCE OF SUCH BONDS, WHICH RESOLUTION SHALL BE TAKEN AS PART OF THE
5 CONTRACT WITH THE HOLDERS OF SUCH BONDS, AND TO MAKE SUCH
6 AGREEMENTS WITH THE PURCHASERS OR HOLDERS OF SUCH BONDS OR WITH
7 OTHERS IN CONNECTION WITH ANY SUCH BONDS WHETHER ISSUED OR TO BE
8 ISSUED, AS THE AUTHORITY SHALL DEEM ADVISABLE, AND IN GENERAL TO
9 PROVIDE FOR THE SECURITY FOR THE BONDS AND THE RIGHTS OF THE HOLDERS
10 THEREOF;

11 (10) TO MAKE CONTRACTS OF EVERY NAME AND NATURE, AND TO
12 EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CARRYING ON
13 OF ITS BUSINESS;

14 (11) TO BORROW MONEY AND ACCEPT GRANTS FROM, AND TO ENTER
15 INTO CONTRACTS, LEASES, MEMORANDA OF UNDERSTANDINGS OR OTHER
16 TRANSACTIONS WITH, THE UNITED STATES GOVERNMENT, ANY AGENCY OF THE
17 UNITED STATES GOVERNMENT, THE COUNTY, THE STATE, ANY AGENCY OF THE
18 STATE OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

19 (12) TO PLEDGE, MORTGAGE, ENCUMBER, SELL, LEASE, TRANSFER OR
20 CONVEY ANY INTEREST IN ITS REAL AND PERSONAL PROPERTY TO THE COUNTY OR
21 TO ANY PERSON.

22 § 9-209. TRANSACTIONS WITH COUNTY.

23 A. THE COUNTY MAY, UPON WRITTEN REQUEST OF THE COUNTY

1 EXECUTIVE AND RESOLUTION PASSED BY THE COUNTY COUNCIL, ADVANCE TO
2 THE AUTHORITY FROM THE GENERAL FUNDS OF THE COUNTY, UPON COMPLIANCE
3 BY THE COUNTY WITH ARTICLE V OF THE CHARTER OF THE COUNTY, MONEY TO BE
4 USED BY THE AUTHORITY TO DEFRAY EXPENSES FOR INVESTIGATION,
5 ENGINEERING AND ARCHITECTURAL STUDIES, OPINIONS AND COMPENSATION OF
6 ITS EMPLOYEES AND COUNSEL WHICH MAY BE INCURRED PRIOR TO THE SALE OF
7 ITS BONDS. ANY SUCH ADVANCE TO THE AUTHORITY BY THE COUNTY SHALL BE
8 DEEMED TO BE A LIABILITY OF THE AUTHORITY TO THE COUNTY AND SHALL BE
9 REPAYED TO THE COUNTY EITHER IN THE NORMAL COURSE OF BUSINESS OR OUT OF
10 THE FIRST PROCEEDS OF SALE OF REVENUE BONDS BY THE AUTHORITY,
11 WHICHEVER EVENT SHALL FIRST OCCUR.

12 B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE
13 COUNTY FROM LEASING ANY FACILITY OR PORTION THEREOF FROM THE
14 AUTHORITY, INCLUDING ANY FACILITY FINANCED IN WHOLE OR IN PART FROM
15 THE PROCEEDS OF THE SALE OF BONDS OF THE AUTHORITY.

16 § 9-210. INDEBTEDNESS, PROCEEDS AND INVESTMENTS.

17 A. THE AUTHORITY MAY ISSUE REVENUE BONDS, NOTES OR OTHER
18 EVIDENCES OF INDEBTEDNESS ON BEHALF OF THE COUNTY FOR THE PUBLIC
19 PURPOSES OF THE COUNTY. BONDS ISSUED BY THE AUTHORITY SHALL NOT
20 MATURE MORE THAN 20 YEARS AFTER THE DATE OF ISSUE.

21 B. INDEBTEDNESS.

22 (1) REVENUE BONDS, CERTIFICATES OR OTHER EVIDENCES OF
23 INDEBTEDNESS ISSUED UNDER THE PROVISIONS OF THIS SECTION SHALL NOT BE

1 DEEMED TO CONSTITUTE A DEBT OF THE COUNTY OR A PLEDGE OF THE FAITH AND
2 CREDIT OF THE COUNTY OR OF THE STATE OF MARYLAND OR ANY POLITICAL
3 SUBDIVISION OF THE STATE OF MARYLAND.

4 (2) THE REVENUE BONDS, CERTIFICATES OR OTHER EVIDENCES OF
5 INDEBTEDNESS SHALL BE PAYABLE FROM THE FUNDS OF THE AUTHORITY
6 PROVIDED FROM REVENUES OF THE PROJECT OR PROJECTS OF THE AUTHORITY.

7 (3) REVENUE BONDS SHALL CONTAIN A STATEMENT ON THEIR FACE
8 TO THE EFFECT THAT THE FULL FAITH AND CREDIT OF THE COUNTY, STATE OR ANY
9 POLITICAL SUBDIVISION OF THE STATE OF MARYLAND IS NOT PLEDGED TO PAY
10 SUCH BONDS OR THE INTEREST THEREON.

11 (4) THE ISSUANCE OF THE REVENUE BONDS, CERTIFICATES OR
12 OTHER EVIDENCES OF INDEBTEDNESS UNDER THE PROVISIONS OF THIS SECTION
13 MAY NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COUNTY TO
14 LEVY OR PLEDGE ANY FORM OF TAXATION OR ANY APPROPRIATION FOR THEIR
15 PAYMENT.

16 (5) AN ADVANCE OF MONEY FROM THE GENERAL FUND OF THE
17 COUNTY SHALL BE REPAID FROM THE RECEIPTS, RENTALS OR REVENUES OF THE
18 AUTHORITY IN THE NEXT SUCCEEDING YEAR IN WHICH SUCH RECEIPTS, RENTALS
19 OR REVENUES EXCEED DEBT SERVICE REQUIREMENTS AND OPERATING EXPENSES.

20 (6) AN ADVANCE OF MONEY FROM THE GENERAL FUND OF THE
21 COUNTY UNDER ANY AGREEMENT OR AGREEMENTS MAY NOT EXCEED A
22 MAXIMUM AMOUNT OF \$100,000 IN ANY ONE FISCAL YEAR.

23 (7) THE AUTHORITY MAY NOT ISSUE ANY BONDS IF SUCH ISSUANCE

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1 WOULD REQUIRE ANY ALLOCATION OF THE MARYLAND STATE CEILING TO THE
2 COUNTY IN EXCESS OF THE INITIAL ALLOCATION TO THE COUNTY FOR ANY PERIOD
3 PURSUANT TO § 13-802 OF THE FINANCIAL INSTITUTIONS ARTICLE OF THE
4 ANNOTATED CODE OF MARYLAND.

5 C. LEGAL INVESTMENTS.

6 (1) AS PROVIDED IN CHAPTER 535 OF THE LAWS OF MARYLAND
7 OF 1996, REVENUE BONDS ISSUED BY THE AUTHORITY AS AUTHORIZED BY THIS
8 SECTION ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS AND
9 PUBLIC AGENCIES OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND ALL
10 BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT
11 COMPANIES AND OTHERS CARRYING ON A BANKING BUSINESS, ALL
12 ADMINISTRATORS, EXECUTORS, GUARDIANS, TRUSTEES AND OTHER
13 FIDUCIARIES, AND ALL OTHER PERSONS MAY LEGALLY AND PROPERLY INVEST
14 FUNDS, INCLUDING CAPITAL, IN THEIR CONTROL OR BELONGING TO THEM.

15 (2) AS PROVIDED IN CHAPTER 535 OF THE LAWS OF MARYLAND
16 OF 1996, REVENUE BONDS ISSUED BY THE AUTHORITY ARE HEREBY MADE
17 SECURITIES WHICH MAY PROPERLY AND LEGALLY BE DEPOSITED WITH AND
18 RECEIVED BY ANY STATE OR MUNICIPAL OFFICER OR ANY AGENCY OR
19 POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE
20 DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY
21 HEREAFTER BE AUTHORIZED BY LAW.

22 D. AS PROVIDED IN CHAPTER 535 OF THE LAWS OF MARYLAND OF 1996,
23 THE BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS ISSUED BY THE

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1 AUTHORITY ESTABLISHED BY THE COUNTY, THEIR TRANSFER, THE INTEREST
2 PAYABLE ON THEM AND ANY INCOME DERIVED FROM THEM INCLUDING ANY
3 PROFIT REALIZED IN THEIR SALE OR EXCHANGE, SHALL BE EXEMPT AT ALL TIMES
4 FROM TAXATION BY THE STATE, OR BY ANY OF ITS COUNTIES, MUNICIPAL
5 CORPORATIONS OR PUBLIC AGENCIES OF ANY KIND.

6 E. AS PROVIDED IN CHAPTER 535 OF THE LAWS OF MARYLAND OF 1996,
7 THE BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS ISSUED BY THE
8 AUTHORITY ESTABLISHED BY THE COUNTY SHALL BE EXEMPT FROM THE
9 PROVISIONS OF ARTICLE 31, §§ 9, 10 AND 11 OF THE ANNOTATED CODE OF
10 MARYLAND, OR ANY SUCCESSOR PROVISION.

11 F. REVENUE BONDS, CERTIFICATES OR OTHER EVIDENCES OF
12 INDEBTEDNESS ISSUED PURSUANT HERETO: (A) MAY BE SOLD IN SUCH MANNER,
13 EITHER AT PUBLIC OR PRIVATE (NEGOTIATED) SALE, AND UPON SUCH TERMS, AT,
14 ABOVE, OR BELOW PAR, AS THE AUTHORITY DEEMS BEST; (B) SHALL BEAR
15 INTEREST AT SUCH RATE OR RATES AS MAY BE PRESCRIBED BY THE AUTHORITY,
16 OR MAY BE DETERMINED IN ACCORDANCE WITH PROCEDURES AS MAY BE
17 PRESCRIBED BY THE AUTHORITY; AND (C) MAY BE ISSUED IN SUCH FORM AND
18 EXECUTED BY SUCH OFFICER(S) AS MAY BE PRESCRIBED BY THE AUTHORITY,
19 INCLUDING (WITHOUT LIMITATION) EXECUTION BY FACSIMILE. IF ANY OFFICER
20 WHOSE SIGNATURE OR COUNTERSIGNATURE APPEARS ON ANY SUCH REVENUE
21 BONDS, CERTIFICATES OR OTHER EVIDENCES OF INDEBTEDNESS CEASES TO BE
22 SUCH OFFICER BEFORE DELIVERY OF SUCH REVENUE BONDS, CERTIFICATES OR
23 OTHER EVIDENCES OF INDEBTEDNESS, HIS SIGNATURE OR COUNTERSIGNATURE

1 SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL PURPOSES THE SAME
2 AS IF HE HAD REMAINED IN OFFICE UNTIL DELIVERY.

3 G. THE AUTHORITY MAY PROVIDE BY RESOLUTION FOR THE ISSUANCE OF
4 REVENUE REFUNDING BONDS TO REFUND ANY REVENUE BONDS, CERTIFICATES OR
5 OTHER EVIDENCES OF INDEBTEDNESS THEN OUTSTANDING AND ISSUED PURSUANT
6 HERETO. THE ISSUANCE OF REVENUE REFUNDING BONDS, INCLUDING THE
7 MATURITIES AND OTHER DETAILS, THE RIGHTS OF THE HOLDERS, AND THE DUTIES
8 OF THE AUTHORITY, ARE CONTROLLED BY THE PROVISIONS HEREOF TO THE
9 EXTENT APPLICABLE.

10 § 9-211. PAYMENTS IN LIEU OF TAXES.

11 THE AUTHORITY AND THE STATE, COUNTY, AND OTHER INCORPORATED
12 CITIES OR TOWNS IN THE COUNTY MAY ENTER INTO AN AGREEMENT, FOR SUCH
13 DURATION AS THEY MAY DETERMINE, FOR THE PAYMENT OF A STATED SUM IN
14 LIEU OF TAXES BY THE AUTHORITY TO THE STATE OR A POLITICAL SUBDIVISION OF
15 THE STATE.

16 § 9-212. FINANCIAL DISCLOSURE.

17 MEMBERS OF THE AUTHORITY SHALL BE SUBJECT TO THE FINANCIAL
18 DISCLOSURE PROVISIONS IN § 23-12B(8) AND § 23-14C OF THE HARFORD COUNTY
19 CODE, AS AMENDED FROM TIME TO TIME.

20 § 9-213. CONSTITUTED AUTHORITY.

21 A. IT IS THE INTENT OF THE COUNTY THAT THE AUTHORITY IS A
22 "CONSTITUTED AUTHORITY" WITHIN THE MEAN OF THE INTERNAL REVENUE CODE
23 OF 1986, AS AMENDED, AND THE RELEVANT REGULATIONS, RULINGS, AND

1 PROCEDURES.

2 B. THE POWERS OF THE AUTHORITY SHALL BE CONSTRUED TO GIVE
3 EFFECT TO THIS INTENT.

4 § 9-214. AUTHORITY EARNINGS.

5 EARNINGS OF THE AUTHORITY MAY NOT ENURE TO THE BENEFIT OF PRIVATE
6 PERSONS.

7 § 9-215. DISSOLUTION.

8 IF THE AUTHORITY IS DISSOLVED, THE TITLE TO ALL PROPERTY FINANCED
9 BY THE PROCEEDS OF ANY REVENUE BONDS, CERTIFICATES OR OTHER EVIDENCES
10 OF INDEBTEDNESS ISSUED BY THE AUTHORITY REVERTS TO THE COUNTY.

11 § 9-216. PROVISIONS OF ARTICLE PROVIDES ALTERNATIVE METHODS.

12 THE PROVISIONS OF THIS ARTICLE SHALL BE DEEMED TO PROVIDE AN
13 ADDITIONAL AND ALTERNATIVE METHOD FOR THE DOING OF THE THINGS
14 AUTHORIZED HEREBY AND SHALL BE REGARDED AS SUPPLEMENTAL AND
15 ADDITIONAL TO POWERS AND CONFERRED BY OTHER LAWS AND SHALL NOT BE
16 REGARDED AS IN DEROGATION OF ANY POWERS NOW EXISTING, AND SUCH
17 PROVISIONS SHALL BE LIBERALLY CONSTRUED TO EFFECT THE PURPOSES
18 THEREOF.

19 § 9-217. SUNSET PROVISION.

20 THIS ARTICLE SHALL EXPIRE 5 YEARS FROM THE DATE OF ENACTMENT OF
21 THE LEGISLATION IF A JOINT USE AGREEMENT WITH ABERDEEN PROVING GROUND
22 IS NOT ESTABLISHED.

23 Section 2. And Be It Further Enacted, That the County Executive shall appoint 4 county
24 residents, with one of the Executive's appointments to be selected from a list of 3 names submitted

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1 by the Mayor of the City of Aberdeen and ~~one to be a resident of the Perryman area~~ one to be
2 selected from a list of 3 names submitted by the Forest-Greens Perryman Association, and the
3 County Council shall appoint 3 county residents to a seven member advisory board to be known as
4 the Study Acceptability Review Group (SARG).

5 Section 3. And Be It Further Enacted, That the SARG shall:

6 A. Review all studies, including feasibility, economic, environmental, extent of usage,
7 current and expected air traffic flow patterns, cost to repair and renovate current facilities at Phillips
8 Army Airfield, and all other studies in connection with the proposal for the joint use of Phillips
9 Army Airfield, to be prepared by ~~an independent consultant~~ consultants, selected by the County
10 Executive and subject to the approval County Council.

11 B. The independent ~~consultant~~ consultants shall use best efforts to complete each study
12 within 18 months of the date of the notice to proceed given by the County and shall use best efforts
13 to complete all studies within 36 months of the date that this Act becomes law.

14 C. The SARG will review all studies and prepare, within 120 days of receipt of the final
15 study prepared by the independent ~~consultant~~ consultants , a final report of its recommendations to
16 the County Council and the County Executive.

17 D. Prior to presenting a final report of recommendations to the County Council and the
18 County Executive, the SARG shall conduct 3 public hearings to receive citizen input for its final
19 report of its ~~recommendations~~ recommendations; the notice of the hearings shall be published once a
20 week for 2 consecutive weeks, in at least 2 newspapers of general circulation within the County, in
21 which the second publication shall not be less than 14 calendar days prior to the first hearing.

22 Section 4. ~~And Be It Further Enacted, That the County Executive shall restrict the use of funds~~
23 ~~made available by the Federal Aviation Administration (FAA) to studies, including but not limited~~
24 ~~to, feasibility, environmental, marketing and such other studies that are designed to provide~~
25 ~~information concerning the proposed joint use of Phillips Army Airfield, provided that by accepting~~
26 ~~such funds from the FAA the County Executive does not obligate the County to continue with joint~~

1 use.

2 Section 4. And Be It Further Enacted, That the County Executive shall:

3 A. Restrict the use of funds made available by the Federal Aviation Administration
4 (FAA) to studies, including but not limited to, feasibility, environmental, marketing and such other
5 studies that are designed to provide information concerning the proposed joint use of Phillips Army
6 Airfield, provided that the acceptance of such funds from the FAA by the County Executive does
7 not obligate the County to continue with joint use.

8 B. Provide the County Council with written documentation that the acceptance of FAA
9 funding does not obligate the County to continue with joint use.

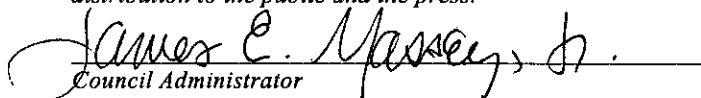
10 Section 5. And Be It Further Enacted, That 60 calendar days after receiving the draft joint use
11 agreement and the final report prepared by SARG (the period for computing the days to start after
12 the Council has received the draft joint use agreement and the final report) the County Council shall
13 introduce and vote on a resolution approving the draft joint use agreement and the final report.

14 Section 6. And Be It Further Enacted, That Section 1 of this Act shall take effect 60 calendar days
15 after the County Council adopts the resolution, approving the draft joint use agreement and the final
16 report issued by SARG, and if the County Council does not adopt the resolution approving the draft
17 joint use agreement and the final report issued by SARG, Section 1 of this Act is null and void without
18 the necessity of further action by the County Council.

19 Section 7. And Be It Further Enacted, That subject to the provisions of Section 6 above, this Act
20 shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: September 11, 2001

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*


Council Administrator

**BILL NO. 01-16
AS AMENDED**

HARFORD COUNTY BILL NO. 01-16 (AS AMENDED)

Brief Title) Phillips Airfield Authority

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James E. Massey, Jr.
Administrator

[Signature]

Date 7-10-01

Date 7/10/01

BY THE COUNCIL

Read the third time.

Passed: LSD 01-24 (July 10, 2001)

Failed of Passage: _____

By Order

James E. Massey, Jr.
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 12th day of July, 2001, at 4:00 p.m.



James E. Massey, Jr.
Council Administrator

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED:

Date July 13, 2001

BY THE COUNCIL

This Bill (No. 01-16aa), having been approved by the Executive and returned to the Council, becomes law on July 13, 2001.

James E. Massey, Jr. / MKH
Council Administrator

EFFECTIVE DATE: September 11, 2001

**BILL NO. 01-16
AS AMENDED**